

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 v.
11 JAMES ROBERT KENNEDY,
12 Defendant.

2:18-CR-267-RFB-VCF
Final Order of Forfeiture

13 The United States District Court for the District of Nevada entered a Preliminary
14 Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2); 18 U.S.C. §
15 1029(c)(1)(C) and (c)(2); 18 U.S.C. § 982(a)(2)(B); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. §
16 2461(c); and 21 U.S.C. § 853(p) based upon the plea of guilty by James Robert Kennedy to
17 the criminal offense, forfeiting the property set forth in the Plea Agreement, the Amended
18 Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment and shown by
19 the United States to have the requisite nexus to the offense to which James Robert Kennedy
20 pled guilty. Criminal Indictment, ECF No. 1; Amended Bill of Particulars, ECF No. 78;
21 Plea Agreement, ECF No. 85; Change of Plea, ECF No. 86; Preliminary Order of
22 Forfeiture, ECF No. 87.

23 This Court finds that on the government's motion, the Court may at any time enter
24 an order of forfeiture or amend an existing order of forfeiture to include subsequently
25 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
26 32.2(b)(2)(C).

27 This Court finds the United States published the notice of forfeiture in accordance
28 with the law via the official government internet forfeiture site, www.forfeiture.gov,

1 consecutively from September 18, 2021, through October 17, 2021, notifying all potential
2 third parties of their right to petition the Court. Notice of Filing Proof of Publication, ECF
3 No. 89-1, p. 5.

4 This Court finds the United States notified known third parties by regular mail and
5 certified mail return receipt requested of their right to petition the Court. Notice of Filing
6 Service of Process – Mailing, ECF No. 102.

7 On November 12, 2021, the United States Attorney’s Office served Nevada Attorney
8 General Aaron Ford with copies of the Preliminary Order of Forfeiture and the Notice
9 through regular mail and certified mail return receipt requested. Notice of Filing Service of
10 Process – Mailing, ECF No. 102-1, p. 1-16.

11 On November 12, 2021, the United States Attorney’s Office served Governor Sisolak
12 with copies of the Preliminary Order of Forfeiture and the Notice through regular mail and
13 certified mail return receipt requested. Notice of Filing Service of Process – Mailing, ECF
14 No. 102-1, p. 1-13, 17-18.

15 On November 12, 2021, the United States Attorney’s Office served and attempted to
16 serve Elisa Cafferata, Director, Nevada Department of Employment, Training &
17 Rehabilitation, with copies of the Preliminary Order of Forfeiture and the Notice through
18 regular mail and certified mail return receipt requested. The certified mail was returned for
19 postage. Notice of Filing Service of Process – Mailing, ECF No. 102-1, p. 1-13, 19-21.

20 On November 12, 2021, the United States Attorney’s Office served and attempted to
21 serve Stephanie Fischer, Compliance/Audit Investigations Supervisor, Employment
22 Security Division, Nevada Department of Employment, Training & Rehabilitation, with
23 copies of the Preliminary Order of Forfeiture and the Notice through regular mail and
24 certified mail return receipt requested. The certified mail was returned for postage. Notice of
25 Filing Service of Process – Mailing, ECF No. 102-1, p. 1-13, 22-24.

26 On December 10, 2021, the United States Attorney’s Office served Stephanie
27 Fischer, Compliance/Audit Investigations Supervisor, Employment Security Division,
28 Nevada Department of Employment, Training & Rehabilitation, with copies of the

1 Preliminary Order of Forfeiture and the Notice through certified mail return receipt
2 requested. Notice of Filing Service of Process – Mailing, ECF No. 102-1, p. 1-13, 25-27.

3 On December 10, 2021, the United States Attorney's Office served Elisa Cafferata,
4 Director, Nevada Department of Employment, Training & Rehabilitation, with copies of
5 the Preliminary Order of Forfeiture and the Notice through certified mail return receipt
6 requested. Notice of Filing Service of Process – Mailing, ECF No. 102-1, p. 1-13, 28-30.

7 This Court finds no petition was filed herein by or on behalf of any person or entity
8 and the time for filing such petitions and claims has expired.

9 This Court finds no petitions are pending regarding the property named herein and
10 the time has expired for presenting such petitions.

11 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
12 all possessory rights, ownership rights, and all rights, titles, and interests in the property
13 hereinafter described are condemned, forfeited, and vested in the United States pursuant to
14 Fed. R. Crim. P. 32.2(b)(4)(A) and (b)(4)(B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. §
15 1029(c)(1)(C) and (c)(2); 18 U.S.C. § 982(a)(2)(B); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. §
16 2461(c); 21 U.S.C. § 853(p); and 21 U.S.C. § 853(n)(7) and shall be disposed of according to
17 law:

- 18 1. Bank of America debit card XXXXXXXXXXXXXXX3470 in the name of G.R.;
- 19 2. Bank of America debit card XXXXXXXXXXXXXXX2026 in the name of C.S.;
- 20 3. Bank of America debit card XXXXXXXXXXXXXXX3056 in the name of J.C.;
- 21 4. Bank of America withdrawal slip, account number XXXXXXXXX3470 in the
amount of \$400;
- 22 5. Bank of America withdrawal slip, account number XXXXXXXXX2026 in the
amount of \$120;
- 23 6. Bank of America withdrawal slip, account number XXXXXXXXX3056 in the
amount of \$140; and
- 24 7. \$580 in United States Currency

25
26
27 (all of which constitutes property).

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all
2 forfeited funds, including but not limited to, currency, currency equivalents, certificates of
3 deposit, as well as any income derived as a result of the government's management of any
4 property forfeited herein, and the proceeds from the sale of any forfeited property shall be
5 disposed of according to law.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
7 copies of this Order to all counsel of record.

8 DATED February 15, 2022.

9
10 
11 RICHARD F. BOULWARE, II
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28